

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MYRA L. EASLEY,
Plaintiff,

v.

NICHOLAS DROBCKY, et al.,
Defendants.

Case No. [16-cv-02778-JSC](#)

**THIRD ORDER RE: APPLICATION TO
PROCEED IN FORMA PAUPERIS**

Re: Dkt. No. 2

Plaintiff Myra L. Easley brings this action against Defendants Nicholas Drobcky and Woodminster Real Estate, Co. arising out of the parties' negotiations over the sale of Plaintiff's condominium unit. Plaintiff alleges that she has standing to sue "on behalf of her assignor, Deborah France-Green."¹ (Dkt. No. 1 ¶ 3.) Plaintiff filed this action without paying the filing fee and without attorney representation. As the Court previously explained, to proceed with a civil action without paying the filing fee, the *plaintiff* must qualify to proceed in forma pauperis and submit the affidavit as required by 28 U.S.C. § 1915(a). Only the alleged assignor has filed an application to proceed in forma pauperis (Dkt. No. 2), but she is not a plaintiff in this case. For this reason, the Court previously denied without prejudice Ms. France-Green's application to proceed in forma pauperis and ordered Plaintiff to file an application to proceed in forma pauperis or pay the filing fee by June 29, 2016. (Dkt. Nos. 5, 7.)

To date, Plaintiff has not filed an application to proceed in forma pauperis or paid the filing fee. Instead, Plaintiff has filed motions for appointment of counsel and for leave and approval of court to file a notice of *lis pendens*. (Dkt. Nos. 11, 12.) However, before the case can proceed,

¹ The alleged assignor is listed elsewhere as Deborah Green-France. (See Dkt. No. 2 at 1.)

1 including for the Court to consider Plaintiff's motions, Plaintiff must file a proper application to
2 proceed in forma pauperis or pay the filing fee.

3 Accordingly, the Court ORDERS that Plaintiff has until August 25, 2016 to file an
4 application to proceed in forma pauperis or pay the filing fee. **Plaintiff is warned that failure to**
5 **do so may result in the dismissal of her action without prejudice.** The Court further ORDERS
6 that Plaintiff shall appear, in person, for a case management conference on August 25, 2016, at
7 1:30 p.m., in Courtroom F at 450 Golden Gate Avenue, 15th Floor, San Francisco, CA 94102.

8 As Plaintiff is proceeding pro se, the Court encourages her to seek free assistance from the
9 Northern District's Pro Se Help Desk, United States Courthouse, San Francisco, 450 Golden Gate
10 Avenue, 15th Floor, Room 2796, San Francisco, CA 94102, or the Help Desk at the Oakland
11 Federal Courthouse, 1301 Clay Street, 4th Floor, Room 470S, Oakland, CA 94612. Plaintiff can
12 make an appointment in person or by calling 415-782-8982.

13 A copy of this Order shall be mailed to Plaintiff's address at 6114 LaSalle Avenue #182,
14 Oakland, CA 94611.

15 **IT IS SO ORDERED.**

16 Dated: August 5, 2016

17
18
19

JACQUELINE SCOTT CORLEY
United States Magistrate Judge
20
21
22
23
24
25
26
27
28